

OFFICE OF THE DIRECTOR

DEPARTMENT OF MOTOR VEHICLES

P.O. BOX 932328

SACRAMENTO, CA 94232-3280

**TITLE 13: DEPARTMENT OF MOTOR VEHICLES****NOTICE IS HEREBY GIVEN**

The Department of Motor Vehicles (the department) proposes to adopt Section 156.01 in Chapter 1, Division 1, Article 3 of Title 13, California Code of Regulations relating to replacement Clean Air Vehicle Stickers.

PUBLIC HEARING

A public hearing regarding this proposed regulatory action is not scheduled. However, a public hearing will be held if any interested person or his or her duly authorized representative requests a public hearing to be held relevant to the proposed action by submitting a written request to the contact person identified in this notice no later than 5:00 P.M., fifteen (15) days prior to the close of the written comment period.

DEADLINE FOR WRITTEN COMMENTS

Any interested person or his or her duly authorized representative may submit written comments relevant to the proposed regulations to the contact person identified in this notice. All written comments must be received at the department no later than 5:00 P.M., **DECEMBER 10, 2007**, the final day of the written comment period, in order for them to be considered by the department before it adopts the proposed regulation.

AUTHORITY AND REFERENCE

The department proposes to adopt this regulation under the authority granted by Section 1651 of the Vehicle Code in order to implement, interpret or make specific Sections 5205.5 and 21655.9 of the Vehicle Code.

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

The Department of Motor Vehicles (department) proposes to add Section 156.01 to Article 3.0, Chapter 1, Division 1, of Title 13 of the California Code of Regulations relating to Clean Air Vehicle Sticker (sticker) replacements.

The passage of Assembly Bill (AB) 2628 (Chapter 725, Statutes of 2004), allows single-occupant access to High-Occupancy Vehicle (HOV) lanes by the cleanest hybrid vehicles as determined by the California Air Resources Board. Vehicle Code Section 5205.5(g) limits Clean Air Vehicle Sticker issuance to 85,000 stickers. This limit was reached on February 16, 2007, prohibiting the department from issuing any more original stickers.

The department is now receiving requests for replacement stickers for hybrid vehicles at a rate of 25 to 50 per day, as well as questions concerning ownership transfers of vehicles bearing the stickers. Requests for new Clean Air Certificates are also being received from new owners of hybrids that have already been issued Clean Air Vehicle Stickers but now need the accompanying Clean Air Certificate issued in the new owner's name.

The department has determined that it would be beneficial to codify the process by which an applicant may request a replacement Clean Air Vehicle Sticker due to damage or loss of a Clean Air Certificate due to a vehicle transfer.

DOCUMENTS INCORPORATED BY REFERENCE

The following forms are incorporated by reference in Section 156.01. These forms are not published in the California Code of Regulations because it would be impractical and cumbersome to publish these documents in the California Code of Regulations.

- Application for Clean Air Vehicle Sticker, form REG 1000 (Rev. 10/2007)
- Statement of Facts, form REG 256 (Rev. 1/2007)

These forms were made available during the public comment period on the department's internet website, in any field office, or by calling the department's toll free telephone number at (800) 777-0133. These documents were made available upon request directly from the department and were reasonably available to the affected public from a commonly known or specified source.

FISCAL IMPACT STATEMENT

- Cost or Savings To Any State Agency: None.
- Other Non-Discretionary Cost or Savings to Local Agencies: None.
- Costs or Savings in Federal Funding to the State: None.
- Cost Impact on Representative Private Persons or Businesses: The agency is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.
- Effect on Housing Costs: None.

DETERMINATIONS

The department has made the following initial determinations concerning the proposed regulatory action:

- The proposed regulatory action will not have a significant statewide adverse economic impact directly affecting businesses, including the ability of California businesses to compete with businesses in other states. This is a voluntary program and replacement stickers are only issued to vehicles that qualify.
- The adoption of this regulation is not expected to create or eliminate jobs or businesses in the state of California or reduce or expand businesses currently doing business in the state of California.
- The proposed regulatory action will not impose a mandate on local agencies or school districts, or a mandate that requires reimbursement pursuant to part 7 (commencing with Section 17500) of Division 4 of the Government Code.

- The proposed regulatory action will not affect small businesses. This is a voluntary program and the regulation only specifies what is necessary in order to receive replacement Clean Air Vehicle Stickers.

PUBLIC DISCUSSIONS OF PROPOSED REGULATIONS

A pre-notice workshop, pursuant to Government Code section 11346.45, is not required because the issues addressed in the proposal are not so complex or large in number that they cannot easily be reviewed during the comment period.

ALTERNATIVES CONSIDERED

The department must determine that no reasonable alternative considered by the department or that has otherwise been identified and brought to the attention of the department would be more effective in carrying out the purpose for which the action is proposed, or would be as effective and less burdensome to affected private persons than the proposed action.

CONTACT PERSON

Inquiries relevant to the proposed action and questions on the substance of the proposed regulations should be directed to the department representative, Randi Calkins, Department of Motor Vehicles, P.O. Box 932382, Mail Station E-244, Sacramento, California, 94232-3820; telephone number (916) 657-8898, or rcalkins@dmv.ca.gov. In the absence of the department representative, inquiries may be directed to Erik Meyer, at (916) 657-8954 or emeyer@dmv.ca.gov. The fax number for the Regulations Branch is (916) 657-1204.

AVAILABILITY OF STATEMENT OF REASONS AND TEXT OF PROPOSED REGULATIONS

The department has prepared an initial statement of reasons for the proposed action, and has available all the information upon which the proposal is based. The contact person identified in this notice shall make available to the public upon request the express terms of the proposed action using underline or italics to indicate additions to, and strikeouts to indicate deletions from the California Code of Regulations. The contact person identified in this notice shall also make available to the public, upon request, the final statement of reasons once it has been prepared and submitted to the Office of Administrative Law, and the location of public records, including reports, documentation and other materials related to the proposed action. In addition, the above-cited materials (Initial Statement of Reasons and Express Terms) may be accessed at www.dmv.ca.gov/about/lad/regactions.htm.

AVAILABILITY OF MODIFIED TEXT

Following the written comment period and the hearing, if one is held, the department may adopt the proposed regulations substantially as described in this notice. If modifications are made which are sufficiently related to the originally proposed text, the full, modified text with changes clearly indicated would be made available to the public for at least 15 days prior to the date on which the department adopts the resulting regulations. Requests for copies of any modified regulations should be addressed to the department contact person identified in this notice. The department will accept written comments on the modified regulations for 15 days after the date on which they are first made available to the public.